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Dkt. 0575/62943/JPW/APE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants : Paul B. Fisher, et al.

U.S. Serial No. 09/648,310

Filed : August 25, 2000

For : PROGRESSION SUPPRESSED GENE 13
(PSGen13) AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
December 22, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO
NOVEMBER 2, 2000 NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

In response to a Notice to File Missing Parts of Nonprovisional Application Filing Date Granted under 37 C.F.R. §1.53(b) issued in connection with the above-identified application on November 2, 2000, a copy of which is enclosed as **Exhibit A**, applicants submit as **Exhibit B** a Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63. The Declaration refers to the application's above-identified serial number and filing date.

Applicants submit herewith a Sequence Listing attached hereto as **Exhibit C** in compliance with the requirements of 37 C.F.R. §1.821(c). In addition, applicants submit herewith a computer readable form (diskette) containing the Sequence Listing in ASCII (DOS) format, which has the same content as the paper copy attached as Exhibit C. Applicants submit as **Exhibit D**, a Statement of Compliance Under 37 C.F.R. §1.821(f). Applicants believe that in view of the submitted disk and Statement of Compliance under 37 C.F.R. §1.821(f) certifying that the computer

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readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. §1.821(f) and submitted in connection with the above-identified application, has the same information which is submitted herewith as Exhibit C entitled "Sequence Listing". Thus, applicants maintain that the subject application now fully complies with the requirements of 37 C.F.R. §1.821 through §1.825 and request that the Examiner withdraw this objection.

In accordance with the Notice, the deadline for submitting the Declaration and Power of Attorney with the nucleotide and/or amino acid sequence disclosure is January 2, 2001. Accordingly, this Communication is being timely filed.

The surcharge under 37 C.F.R. §1.16(e) for responding to the Notice to File Missing Parts of Application under 37 C.F.R. §1.53(b) is ONE HUNDRED THIRTY DOLLARS (\$130.00) for a small entity. Applicants previously established Small Entity Status. A check for a total amount of \$130.00 is enclosed to cover the surcharge for filing a Declaration and Power of Attorney and Sequence Listing.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone at the number provided below.

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No fee, other than the enclosed \$130.00 surcharge fee, is deemed necessary in connection with the filing of this Communication. If any additional fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence
is being deposited this date with the
U.S. Postal Service with sufficient
postage as first class mail in an
envelope addressed to:
Assistant Commissioner for Patents
Washington, D.C. 20231

 12/22/00
John P. White
Reg. No. 28,678
Jane M. Love
Reg. No. 42,812

Date